

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY ROOSEVELT POARCH,

Plaintiff,

v.

LENICK RANDY, *et al.*

Defendants.

Case No. 2:20-cv-01191-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On September 3, 2020, the previously assigned magistrate judge screened plaintiff's complaint, found that it failed to state a claim, and granted plaintiff thirty days to file an amended complaint. ECF No. 20. Rather than filing an amended complaint, plaintiff subsequently filed four one-page documents that are largely unintelligible. ECF No. 21-23, 25. On October 22, 2020, plaintiff was ordered to show cause within thirty days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 26. Plaintiff was warned that failure to respond to the court's order could result in dismissal of this action. *Id.* at 2.

In response, plaintiff filed six documents, which are also unintelligible. ECF No. 27-32. Plaintiff did not file an amended complaint, and his recent filings fail to provide a reasonable

1 explanation for his failure to do so. Thus, plaintiff has failed to show cause why this action
2 should not be dismissed.

3 Accordingly, it is ORDERED that the clerk of court shall randomly assign a United States
4 District Judge to this case.

5 Further, it is RECOMMENDED that:

6 1. This action be dismissed without prejudice for failure to prosecute, failure to comply
7 with court orders, and for failure to state a claim as set forth in the September 3, 2020 order. *See*
8 ECF No. 20.

9 2. The Clerk of Court be directed to close the case.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, any party may file written
13 objections with the court and serve a copy on all parties. Such a document should be captioned
14 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
15 objections shall be served and filed within fourteen days after service of the objections. The
16 parties are advised that failure to file objections within the specified time may waive the right to
17 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
18 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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20 IT IS SO ORDERED.

21 Dated: December 11, 2020

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23 JEREMY D. PETERSON
24 UNITED STATES MAGISTRATE JUDGE
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